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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,564	06/30/2003	Vic De Zen	DSJ 10157-1US	7319
24962	7590	07/12/2004	EXAMINER	
DENNISON ASSOCIATES 133 RICHMOND STREET WEST SUITE 301 TORONTO, ON M5H 2L7 CANADA			STRIMBU, GREGORY J	
			ART UNIT	PAPER NUMBER
			3634	
DATE MAILED: 07/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.

10/608,564

Applicant(s)

DE ZEN, VIC

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/376,284.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/30/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it does not describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. It is suggested that the applicant amend the abstract to refer to the end wall caps and side wall caps. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "a side wall cap" on lines 8-9 of claim 1 render the claims indefinite because it is unclear if the applicant is referring to the plastic components set forth above or is attempting to set forth an element in addition to

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the components set forth above. Recitations such as "the shelf at the respective side" on lines 10-11 of claim 1 render the claims indefinite because they lack antecedent basis. Recitations such as "interlocking means" on line 7 of claim 4 render the claims indefinite because it is unclear if the applicant is invoking 35 USC 112 paragraph six. It is suggested that the applicant use the customary "means for" language to avoid confusion.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over PCT Patent Publication No. WO 93/24714 in view of PCT Patent Application No. WO 94/21867 and German Patent Publication No. 2 235 332. PCT Patent Publication No. WO 93/24714 discloses a rectangular plastic shed (shown in figure 1) assembled from prefabricated plastic components, the shed having side walls 2, end walls 2 with upper portions (not numbered, but shown in figure 1) which slope upwardly from each side wall to a central ridge, a roof support arrangement (not numbered, but shown in figure 8) comprising an upper central roof support beam assembly supported at its ends from the end walls and spanning therebetween and aligned with the central ridge, a plastic sleeve 27

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sleeved on and enclosing the beam between the end walls, the sleeve having a downwardly projecting roof support shelf 30 at each side thereof, a side wall cap 17 mounted on the top of each side wall and having an upwardly and inwardly sloping roof support platform 19 opposing the sleeve shelf at the respective side of the beam assembly and having depending flanges 18, a roof assembly 4 mounted on each side of the central ridge, each of the roof assembly being supported at the upper and lower ends respectively by the respective opposing roof supporting shelf and platform at the respective side of the central ridge, the beam assembly including a cover 34 connected to the sleeve and overlying the upper ends of the roof assemblies, hollow corner posts 15 each having interlocking means 56, each of the side wall and end walls 2 being hollow and having interlocking formations which interlock with hollow connectors 14 as shown in figure 8, and a door way frame (not numbered but shown in figure 1 framed between the wall components and a pair of doors 66 hinged to the frame.

PCT Patent Publication No. WO 93/24714 is silent concerning a metal beam and an end wall cap.

However, PCT Patent Application No. WO 94/21867 discloses a roof support beam (shown in figure 3) comprising a metal beam 15 and a plastic sleeve 7 sleeved on and enclosing the metal beam.

It would have been obvious to one of ordinary skill in the art to provide PCT Patent Publication No. WO 93/24714 with a roof support beam assembly, as taught by PCT Patent Application No. WO 94/21867, to increase the strength of the roof support beam.

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Additionally, German Patent Publication No. 2 235 322 discloses an end wall cap 16 seated on each end wall 7-10 and slope upwardly from each side wall 11 to a central ridge, each of the end wall caps having spaced inwardly projecting flanges (not numbered, but shown in figure 5) terminating in inturned locking fingers (not numbered, but shown on the left hand side of figure 5), a roof assembly 12 mounted on each side of the central ridge, each of the roof assembly being slidably interlocked with the locking fingers of the end wall caps at the respective side of the central ridge, the end wall caps further including depending flanges (not numbered, but shown at the bottom of figure 5).

It would have been obvious to one of ordinary skill in the art to provide PCT Patent Publication No. WO 93/24714 with end wall caps, as taught by German Patent Publication No. 2 235 322, to provide a secure connection between the roof members and the end walls.

Claims 2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT Patent Publication No. WO 93/24714 in view of PCT Patent Application No. WO 94/21867 and German Patent Publication No. 2 235 332 as applied to claim 1 above, and further in view of EP 0 320 745. EP 0 320 745 discloses a shed comprising metal channels secured to a supporting frame for receiving walls of the shed therein.

It would have been obvious to one of ordinary skill in the art to provide PCT Patent Publication No. WO 93/24714, as modified above, with metal

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channels, as taught by EP 0 320 745, to increase the ease with which the shed can be assembled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
June 25, 2004